

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM )  
MOTORS, INC., and MATTINGLY AUTO )  
SALES, INC., individually and on behalf of )  
other members of the general public similarly )  
situated, )

Plaintiffs, )

v. )

NEXTGEAR CAPITAL, INC. f/k/a DEALER )  
SERVICES CORPORATION, )

Defendant. )

Case No. 1:14-cv-01589-TWP-DLP

**JOINT MOTION FOR STAY OF CASE PENDING SETTLEMENT**

The parties jointly notify the Court that they have reached a settlement in principle of Plaintiffs' individual and class claims and that class counsel intend to move the Court for preliminary approval of the settlement upon the finalization of a written settlement agreement. The parties estimate they can complete that process and an unopposed motion for preliminary approval can be filed by January 25, 2021. To minimize the expenditure of the Court's resources, and to allow the parties to focus their efforts on finalizing the settlement agreement without the additional burdens associated with trial preparation, the parties respectfully move to stay all proceedings; to cancel the December 22, 2020 pretrial conference; and to continue the trial currently scheduled to begin on January 25, 2021.

WHEREFORE, the parties respectfully request that the Court enter the attached Proposed Order staying the case.

Respectfully submitted, this 23rd day of November, 2020.

s/ Tracey K. Ledbetter

Jason S. McCarter (*pro hac vice*)  
Tracey K. Ledbetter (*pro hac vice*)  
EVERSHEDS SUTHERLAND (US) LLP  
999 Peachtree Street, NE, Suite 2300  
Atlanta, GA 30309-3996  
(404) 853-8000  
(404) 853-8806 fax  
jasonmccarter@eversheds-sutherland.com  
traceyledbetter@eversheds-sutherland.com

David J. Jurkiewicz (18018-53)  
Paul D. Vink (23785-32)  
BOSE McKINNEY & EVANS LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
(317) 684-5000  
(317) 684-5173 fax  
djurkiewicz@boselaw.com  
pvink@boselaw.com

*Attorneys for Defendant NextGear Capital, Inc.  
f/k/a Dealer Services Corporation*

s/ Kerry A. Murphy (w/ express permission)

Kerry A. Murphy (*pro hac vice*)  
KERRY MURPHY LAW LLC  
715 Girod Street, Suite 250  
New Orleans, LA 70130  
Telephone: (504) 603-1502  
Facsimile: (504) 603-1503  
[kmurphy@kerrymurphyllaw.com](mailto:kmurphy@kerrymurphyllaw.com)

James M. Garner (*pro hac vice*)  
Ryan D. Adams (*pro hac vice*)  
Jacob A. Airey (*pro hac vice*)  
SHER GARNER CAHILL RICHTER KLEIN &  
HILBERT, L.L.C.  
909 Poydras Street, Suite 2800  
New Orleans, Louisiana 70112  
Telephone: (504) 299-2100  
Facsimile: (504) 299-2300  
[jgarner@shergarner.com](mailto:jgarner@shergarner.com)  
[radams@shergarner.com](mailto:radams@shergarner.com)  
[jairey@shergarner.com](mailto:jairey@shergarner.com)

Gladstone N. Jones, III (*pro hac vice*)  
Lynn E. Swanson (*pro hac vice*)  
JONES SWANSON HUDDALL &  
DASCHBACH LLC  
601 Poydras Street, Suite 2655  
New Orleans, Louisiana 70130  
Telephone: (504) 523-2500  
Facsimile: (504) 523-2508  
[gjones@jonesswanson.com](mailto:gjones@jonesswanson.com)  
[lswanson@jonesswanson.com](mailto:lswanson@jonesswanson.com)

Kathleen A. DeLaney (#18604-49)  
DELANEY & DELANEY LLC  
3646 North Washington Blvd.  
Indianapolis, IN 46205  
Telephone: (317) 920-0400  
Facsimile: (317) 0404  
[Kathleen@delaneylaw.net](mailto:Kathleen@delaneylaw.net)

Cassie E. Felder (*pro hac vice*)  
THE CASSIE FELDER LAW FIRM  
7515 Jefferson Hwy., #313  
Baton Rouge, LA 70806  
Main: (504) 232-1733  
Cell: (504) 400-1127  
[cassie@cassiefelderlaw.com](mailto:cassie@cassiefelderlaw.com)

*Attorneys for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 23rd day of November, 2020:

Ryan D. Adams  
James M. Garner  
Jacob A. Airey  
SHER GARNER CAHILL RICHTER  
KLEIN & HILBERT, L.L.C.  
[radams@shergarner.com](mailto:radams@shergarner.com)  
[jgarner@shergarner.com](mailto:jgarner@shergarner.com)  
[jairey@shergarner.com](mailto:jairey@shergarner.com)

Kerry A. Murphy  
KERRY MURPHY LAW LLC  
[kmurphy@kerrymurphyllaw.com](mailto:kmurphy@kerrymurphyllaw.com)

Cassie E. Felder  
THE CASSIE FELDER LAW FIRM  
[cassie@cassiefelderlaw.com](mailto:cassie@cassiefelderlaw.com)

Gladstone N. Jones, III  
Lynn E. Swanson  
JONES SWANSON HUDDALL &  
DASCHBACH LLC  
[gjones@jonesswanson.com](mailto:gjones@jonesswanson.com)  
[lswanson@jonesswanson.com](mailto:lswanson@jonesswanson.com)

Kathleen A. DeLaney  
DELANEY & DELANEY LLC  
[kathleen@delaneylaw.net](mailto:kathleen@delaneylaw.net)

s/ Tracey K. Ledbetter  
Tracey K. Ledbetter